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Gideon Kanner

Stanley Mosk

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*Stanley Mosk**

I greet Gideon Kanner's retirement from academia and his return to the battlefield of litigation with a certain ambivalence. It was comforting to have him handcuffed to a classroom, rendered impotent by the routine responsibility of reciting arcane principles of law to wide-eyed and innocent disciples. He was obliged to stay out of trouble, and out of judicial hair.

But now our respite is over: Gideon Kanner is on his way back to the firing-line. Should the supreme court have granted a hearing in this or that obviously crucial case? What could we have been thinking—or were we thinking—when we cavalierly denied a hearing in a matter in which the court of appeal emasculated all the law from the Magna Carta to the Donald Trump divorce imbroglio? How dare the supreme court order opinions depublished when attorneys are eager to cite them as authority in briefs or in law review articles?

Yes, we may anticipate Gideon Kanner will once again be expressing and pressing his thoughtful and sometimes caustic views on those and other significant issues. And being back as our version of a distinguished Queen's Counsel, he will be in a position to undertake something actionable about those problems, if not as attorney for a litigant, then as an amicus. Academia is no longer a refuge. The Berlin wall is down and so are any inhibitions Gideon Kanner might have had about representing real live litigants and causes.

After carefully weighing the pros and cons, I ultimately come down with a warm welcome to Gideon Kanner. It is good to have him back in the trenches. Loyola's loss is our gain, the "our" being the active bench and bar. I have a feeling that if we—our policies and practices—are not cleaned up, it will not be for his lack of trying.

To be serious: Gideon Kanner is one of California's great lawyers. He is thoughtful, articulate, often innovative, but most importantly, he is truly dedicated to the judicial process and the rule of law in our society. I wish him well in his new association.

* The author is a Justice on the California Supreme Court.